IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14166 of 2005

Between:

Naveed Iqbal, S/o.M.A.Salam,
R/o.H.No.1-10-69, Phulong, Nizamabad.

..... PETITIONER

AND

1 Nizamabad Municipal Corporation, Nizamabad, rep.by its Commissioner.
2 Secretary to Govt. of Andhra Pradesh, Municipal Administration & Urban Development.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of respondents in changing the constitution of Blocks in ward No.9 (old ward No.28) by deleting Block Nos.7 & 8 and adding Block Nos.5 & 12 as illegal, arbitrary and in violation of GO Ms.No. 570 MA dt.6-11-1996 and further direct the respondents not to delete Block Nos.7 & 8 from ward No.9 (old ward No.28).

Counsel for the Petitioner:MR.C.RAGHU

Counsel for the Respondent No 1 : MR.POLISETTI RADHAKRISHNA

Counsel for respondent No.2: G.P. for Municipal Administration.

The Court made the following :

O R D E R:

It is the case of the petitioner that he was elected as Counsellor for ward No.28, which was re-numbered as ward No.19 and thereafter, it was changed as ward No.9. Due to the re-division of entire wards under political compulsion, old ward No.28 (new ward No.9) has been completely disturbed. It is also the case of the petitioner that in the process of re-division of blocks contrary to Rules framed under G.O.Ms.No.570, dated 06.11.1996 under Rules 1996, block Nos. 7 and 8 were deleted from the old ward and thereby added block Nos. 5 & 12. Block Nos. 5 & 12 consist of complete Hindu votes and block Nos. 7 & 8 consist of Muslim people. In spite of the representation submitted by the petitioners, dated 14.05.2005/15.5.2005, 1st respondent vide proceedings, dated 12.06.2003 rejected the objections. Hence, this writ petition is filed.

In the order passed by the respondent authorities, dated 12.06.2005, it is seen that as per Rule 10 of the Andhra Pradesh Municipal Corporation (Delimitation of Wards) Rules, 1996, issued in G.O.Ms.No.570 M.A., dated 06.11.1996, the objection petition dated 15.05.2005, against the proposed re-division of wards in Nizamabad Municipal Corporation contained in the preliminary notification published on 08.05.2005, has been forwarded to the Government through the Commissioner & Director of Municipal Administration, Hyderabad in Form No.II along with the remarks of the Commissioner, Nizamabad Municipal Corporation, on 18.05.2005 as per the time schedule given by the Government and the Government after careful

consideration of the proposal, has issued orders in G.O.Ms.No.542, M.A., dated 30.05.2005 approving the Ward Division Proposals submitted by the Municipal Commissioner & Director of Municipal Administration, Hyderabad, and the same was published in the A.P. Gazette. Hence, the objection petition against the Re-division of wards in Nizamabad Municipal Corporation has not been considered by the Government.

As the writ petition is filed against the preliminary notification issued in G.O.Ms.No.570, dated 06.11.1996, which was approved by the Government vide G.O.Ms.No.542, dated 30.05.2005, the petitioner has to question the validity of subsequent orders of the Government issued in G.O.Ms.No.542, dated 30.05.2005. Hence, the writ petition fails.

The writ petition is accordingly dismissed. No costs.

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E.DHARMA RAO J.,

01.07.2005

tjs

To

1) The Commissioner, Nizamabad Municipal Corporation, Nizamabad.

2) 1 CC to MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

3) 1 CC to MR.RAGHU

4) Secretary to Government, Municipal Administration & Urban Development, Hyderabad

5) 2 C.Cs to the G.P. for Municipal Administration, High Court Buildings, Hyderabad.